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### REMARKS

Claims 1, 5, 7, and 21 have been amended, claim 4 has been canceled, and claims 8-19 remain withdrawn from consideration. Thus, claims 1-3, 5-7, and 20-23 remain in the application for consideration on the merits. Favorable consideration of this application as amended is requested.

#### Claim Rejections Under 35 U.S.C. § 102(b):

Claims 1, 3-7, 20, and 21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Christensen (5,681,074).

Claim 1 has been amended to essentially incorporate the limitations of original dependent claim 4 into claim 1. Claim 4 has been canceled. Applicant respectfully traverses the examiner's rejections. In order to anticipate a claim under 35 U.S.C. 102(b), each and every element of the claim must be shown in the prior art reference.

The '074 patent discloses a trailer (14) having a cover (12), with a pair of lift arms (10) mounted between the trailer (14) and the cover (12). Pairs of hand releasable hinge couplings (30) releasably mount the front and back of the cover (12) to the trailer (14) and allow the trailer cover (12) to be opened from the front or the back, depending upon which pair of hinge couplings (30) is uncoupled. The lift arms (10) each have elongate members pivotally coupled at their ends to form a parallelogram-like member (46). Each lift arm (10) also includes two gas springs (56, 58) disposed within the parallelogram-like member (46). According to the '074 patent, "[g]as springs 56 and 58 preferably produce a force sufficient to **support a trailer cover in a tilted open position**, yet a force low enough that the weight of the cover will hold the cover closed." (Col. 4, lines 1-4, emphasis added). Moreover, in describing the operation of the trailer cover lift arms in the '074 patent, it is stated, "[w]hen cover 12 is tilted open toward front end 16, the releasable hinge couplings 30 at rear end 18 of cover 12 are uncoupled by removing pins 36 as shown in FIG. 6. **The operator then lifts the rear end 18 of cover 12. As the operator lifts cover 12, springs 56 and 58 extend to assist the operator.** As the

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operator continues to lift cover 12, springs 56 and 58 provide enough force to hold cover 12 in the tilted open position." (Col. 4, lines 28-35, emphasis added) As is clear from this description in the '074 patent, the human operator is the one who moves the cover (12), both to open and to close it. The gas springs (56, 58) do not move the cover, they merely assist the operator and hold the cover. Thus, the '074 patent does not teach or suggest that the gas springs (56, 58) are actuators.

On the other hand, claim 1, as amended, recites, "an actuator, attached to said extension member, for moving said extension member between the retracted position and the extended position." This is clearly missing from the '074 patent, so there is no anticipation of claim 1 under 35 U.S.C. 102(b).

Claims 2, 3, and 20-21 each ultimately depend from claim 1, which, as discussed above is not anticipated by the cited art. Therefore, these claims are not anticipated by the cited art for at least the same reasons as claim 1. Moreover, the dependent claims contain additional limitations not recited in claim 1. For example, claim 5 recites, "said actuator is a hydraulic piston and cylinder assembly." Not only is no actuator disclosed in the '074 patent, but even if, for the sake of argument, one were to consider the gas springs (56, 58) to be actuators, they are clearly not hydraulic piston and cylinder assemblies. And, claim 7 recites, "a controller connected to said actuator and said first and second attachment means for selectively controlling said actuator and for selectively releasing said first and second attachment means." The '074 patent does not teach or suggest anything at all relating to a controller. It does not even have actuators in the first place for a controller to control.

Consequently, applicant respectfully requests that these rejections be withdrawn.

**Claim Rejections Under 35 U.S.C. § 103(a):**

Claims 2 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen (5,681,074) in view of Nakatomi et al. (6,193,300). The Examiner stated that the '074 patent discloses the invention as claimed but does not disclose a scissor jack and trunk lid. The Examiner stated that the Nakatomi et al. patent discloses

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a scissor jack and trunk lid. According to the Examiner, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify the Christensen patent to include the scissor jack and trunk lid as taught by the Nakatomi et al. patent.

Applicant respectfully disagrees. Claims 2 and 22 both ultimately depend from amended claim 1 and so are distinguished from the '074 patent for at least the same reasons as discussed above. Thus, the '074 patent does not disclose the invention as claimed except for the "scissor jack" and "trunk lid" limitations. Moreover, the citation by the examiner of the '300 patent to show the teaching of a scissor jack device employed with a trunk lid does not overcome the deficiencies in the teachings of the '074 patent. The '300 patent contemplates a rear side trunk lid opening being accomplished only by a human lifting the trunk lid (42). In particular, it states, "when the rear portion 42A of the trunk lid 42 is manually moved upwardly, the second link 34 is moved or pivoted upwardly." (Col. 5, lines 4-6) And, it states, "when the rear side of the trunk lid 42 is opened, the engagement between the latch 72 and the striker 74 is released and so the rear portion 42A of the trunk lid 42 can be manually moved upwardly." (Col. 7, lines 9-12) Thus, the cited references, alone or in combination, do not teach or render obvious the claimed invention.

Consequently, applicant respectfully requests that these rejections be withdrawn.

Claims 7 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen (5,681,074) as applied to claim 4 and in view of ordinary skill of the art. The Examiner stated that the '074 patent discloses the invention as claimed, but does not disclose a controller is a body control module.

Applicant respectfully disagrees. As discussed above, the '074 patent does not teach or suggest anything at all relating to a controller, and there is no actuator to control anyway since the gas springs (56, 58) are only passive supports. In the '074 patent, both the lifting of the cover (12) and the releasing of the releasable hinge couplings (30) on the trailer (14) are only contemplated being accomplished by human action, so there would not be any motivation whatsoever to employ a controller with this assembly. And, since

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there is no controller taught or suggested by the '074 patent at all, there certainly is no teaching or suggestion that such a controller may be a body control module. Any suggestion that it would be obvious to add a controller to the disclosure of the '074 patent would be based on hindsight reconstruction.

Consequently, applicant respectfully requests that these rejections be withdrawn.

**Conclusion:**

In summary, the Applicant believes that each formal and substantive requirement has now been met. The application is now believed to be in appropriate form for allowance, which action is respectfully requested.

Respectfully submitted,



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